

RECEIVED
UNITED STATES DISTRICT COURT SDNY PRO SE OFFICE
SOUTHERN DISTRICT OF NEW YORK

2022 APR 21 AM 10:30

FREDDIE GONZALEZ

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

Civil Action No.15cv8831 (VSB) (DF)

APPLICATION GRANTED

SO ORDERED *Vernon S. Broderick*

VERNON S. BRODERICK

U.S.D.J. 04/22/22

Petitioner shall file any objections to the Report and Recommendation on or before June 13, 2022. The Clerk of Court is respectfully directed to mail a copy of this order to the pro se Petitioner.

MOTION FOR AN EXTENSION OF TIME TO FILE OBJECTIONS TO THE
MAGISTRATES REPORT AND RECOMMENDATION
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 6(b)(1)(A)

Now comes the petitioner, Freddie Gonzalez, pro se, respectfully requesting that this court grant him a 60 day extension to file his objections to the Magistrates Report and Recommendation concerning his Motion under 28 USC §2255. Pursuant to 28 USC § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, it sets a 14 day period to file any objections. For the following reasons, and pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Gonzalez moves this court to extend the deadline by 60 days.

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), upon a motion, and with good cause, this court can extend this deadline to file objections. The term "good cause" imposes a light burden, See McMann v. Cullinan 2015 U.S. Dist. LEXIS 91362, 2015 (N.D. III 2015) the rule gives broad discretion to this court to extend a time limit. See Rankin v. City of Niagara Falls, 293 F.R.D. 375, 390, (W.D.N.Y. 2013) and the court will generally find good cause and grant an extension, unless the moving party has been negligent, lacked diligence, acted in bad faith, or

abused the privilege of prior extensions. Gonzalez has just received the Report and Recommendation on April 13th, 2022, and he now moves this court (On April 14th, 2022) for his first extension of time. Gonzalez is an **incarcerated pro se litigant**, he is currently confined at FCI Schuylkill, which is still currently operating under a Covid 19 modification to its normal operations, this limits the amount of time that Gonzalez may access the Law Library. Gonzalez has relied on other inmates to help him with his claims (some of which did not apparently under all of the laws or caselaw set forth) Gonzalez himself does not understand the law. Given the fact he received 4 Life sentences, along with the fact he has raised numerous grounds on his 2255, an extension is necessary to properly review the R & R, which recommends the denial of all claims as well as a denial to issue a COA. The failure to raise objections will bar Gonzalez to further review of those claims, and given that AEDPA, only affords a defendant One chance to file a §2255 motion, this period to object is critical stage in the post conviction litigation of Gonzalez's conviction and sentence. After a review of the R & R, it is Gonzalez's wish and belief that he will be filing several objections to the Report.

Accordingly, Gonzalez's omnibus claims in his 2255, produced a very lengthy R & R, his status of being incarcerated, pro se, and at a facility running on modified operations, satisfies the standard of good cause, for an extension of time pursuant to Federal Rule of Civil Procedure 6(b)(1)(A). At this time he requests an additional 60 days to file his objections to the R and R, as the extension of time is in the interest of justice, as well with regards to fundamental fairness and fairplay.

Respectfully Submitted,



Freddie Gonzalez

April, 14th, 2022

CERTIFICATE OF SERVICE

I, Freddie Gonzalez, do hereby certify, that I placed a copy of this Motion for an Extension of Time to File Objections, in the Prison Mailbox on April 14th, 2022. This certification is made under 28 USC §1746. In accordance with the prison mailbox rule this Motion should be deemed filed on April 14th, 2022. See *Houston v Lack* 487, U.S. 266, 270(1988). The motion was mailed on April 14th, 2022 via the institution mailbox, and U.S. postal system, postage prepaid.

Set forth in accordance with 28 USC §1746

Freddie Gonzalez



April 14th, 2022

To: Clerk of the Court
U.S. District Court
Southern District of New York

From: Freddie Gonzalez
#03425-070
P.O. Box 759
FCI Schuylkill
Minersville, Pa 17954

RE: Case No. 15cv8831(VSB)(DF)--Report and Recommendation/Motion
For an Extension of Time to File Objections.

Dear Clerk,

Enclosed is a Motion for an extension of time to file
objections to the R&R, specifically the Magistrate set forth in her
order, that any motions for extensions of time be directed to the
Honorable Judge Broderick, Accordingly please direct the enclosed
motion to Judge Broderick.

Respectfully Submitted,

Freddie Gonzalz

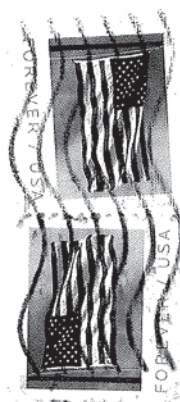


April 14th, 2022

Freddie Gonzalez
#03425-070
PCI Schuylikill
P.O. Box 759
Minersville, PA 17954

LEGAL MAIL

HARRISBURG PA 171
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Clerk of the Court
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New York, NY 10007-1312

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Clerk of the Court